

EPA Region III

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EARLY BIRD HEADLINES

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*** MORNING HOT LIST ***

DEP allows Cabot to resume fracking in Dimock, leaves drilling on hold

SCRANTON TIMES-TRIBUNE The state Department of Environmental Protection has granted Cabot Oil and Gas Corp. permission to resume hydraulic fracturing in an area of Dimock Twp. nearly 2½ years after methane contamination prompted regulators to shut down the natural gas driller's operations there. Cabot's drilling remains on hold in the 9-square-mile area, but the state on Tuesday permitted the company to hydraulically fracture - or frack - seven wells that were drilled at the time of an April 2010 enforcement order that halted the work. Hydraulic fracturing, the process of injecting chemically treated water and sand underground at high pressure to release gas trapped in rocks, is necessary for Marcellus Shale wells to produce marketable quantities of gas. DEP curbed Cabot's operations in the Susquehanna County township after it found that faulty Cabot wells allowed methane to seep into 18 Dimock drinking water wells. Cabot denies that it caused the contamination but it agreed to a \$4.6 million settlement with the state in December 2010 that required the driller to fix leaking or overpressured wells and stop the gas from tainting aquifers. Cabot tested or patched dozens of Dimock wells, but DEP told the company in May 2011 that flaws appeared to persist in 22 of 43 of the company's gas wells, including two wells that were never fracked, the Ely 1H and Kelly 1H, that needed additional tests to prove they were structurally sound. Three more tests on the wells have since shown that any gas between the cemented strings of steel casing is now below pressure limits set by state regulations and is not escaping from the wellbore, Scott Perry, DEP's deputy secretary for oil and gas management, wrote to Cabot on Tuesday. The company must perform and report pressure tests on both wells within 60 days of fracking them, Mr. Perry wrote.

Casey pushes bills to develop natural gas industry

SCRANTON TIMES-TRIBUNE PITTSTON TWP. - U.S. Sen. Bob Casey met Tuesday with officials who work in the natural gas industry, listened to their views on the industry's progress and highlighted bills he's pushing to help grow it. "The scope of the energy opportunity we have has never been greater," Mr. Casey said during a noon news conference after the meeting in the O'Hara Industrial Park at Linde Corp., a construction company active in the natural gas fields. Almost a month ago, Mr. Casey introduced a bill that would create a pool of federal money that states could compete for to develop plans to encourage use of natural gas as a fuel and public and private spending on natural gas-powered vehicles and gas stations. Under the bill, states would be awarded federal money depending on how much other public and private money will go into a state's plan; how much the initiatives will meet needs unlikely to be met by the private sector; and how much money each state is putting up to encourage natural-gas-powered transportation and gas stations. "You have the federal government helping ... as a partner, but not dictating, allowing states to come up with their own strategy," Mr. Casey said.

Under another Casey bill, introduced in February, businesses and municipalities could get rebates of 30 percent of their spending on natural-gas vehicles up to \$15,000. The bill would also extend, through 2016, the 50-cents-a-gallon alternative fuel tax credit and a tax credit of 30 percent of the cost up to \$30,000 for installing commercial refueling stations. William Kelley, owner and president of BX3 and Taylor Rental in Susquehanna and Wyoming counties, which supply equipment for the industry, said the country needs to start switching to more natural gas-powered vehicles, which could end up cheaper to run than gasoline-powered cars, and benefit the region. "We've got it right here. It's here. It's right under our feet ... We're very blessed with what's going on up there," Mr. Kelley said, referring to the natural gas industry's development in the northern tier.

Court overturns key EPA air-quality rule

WASHINGTON POST WASHINGTON - The U.S. Court of Appeals for the District of Columbia Circuit overturned one of the Obama administration's hallmark air quality rules Tuesday, ruling that the Environmental Protection Agency had overstepped its authority in curbing pollution from Midwest power plants too sharply. The 2-1 ruling by the appeals court represents a major victory for utilities and business groups, who fought the Cross-State Air Pollution Rule on the grounds that it was costly, burdensome and arbitrary. Environmentalists, who had hailed the rule as a major improvement over a Bush-era regulation, bemoaned the decision as a blow to public health. For years federal regulators have struggled with how best to cut harmful sulfur dioxide and nitrogen oxide emissions from Midwest power plants, which blows downwind and contributes to forming smog and acid rain in the East. The EPA issued a rule - which was supposed to take effect Jan. 1, 2011, but was delayed by the court - that would have required utilities in 28 states to install new pollution controls. It also established a limited cap-and-trade system that would have let utilities buy and sell pollution credits in order to comply with the new standards. EPA officials calculated that the new rule would yield health benefits for 240 million Americans. The agency predicted that by 2014 this rule, with others, would cut sulfur dioxide emissions nationwide by 73 percent, compared with 2005 levels, and reduce nitrogen oxide emissions by 54 percent. But Southern Co., EME Homer City Generation, and Energy Future Holdings Corp. units in Texas challenged the rule, saying they could not meet the new requirements in time, while the state of Texas, the National Mining Association and the International Brotherhood of Electrical Workers also sued EPA in separate cases on the grounds that it was based on flawed computer models and could jeopardize the nation's electricity supply by forcing companies to shut down older coal-fired plants. In the ruling, the court wrote that the EPA used a section in the Clean Air Act known as the "good neighbor provision" to "impose massive emissions reduction requirements on upwind States without regard to the limits imposed by the statutory text. Whatever its merits as a policy matter, EPA's Transport Rule violates the statute." It also wrote that the EPA overstepped its bounds in regulating power plants directly, rather than giving upwind states a chance to develop their plans. "EPA can't force states to do more than their fair share, and can't force 'one size fits all' federal programs without allowing states to craft their own solution," said Joseph Stanko, who heads government relations at the law firm Hunton & Williams, and represents coal-fired utilities.

US court strikes down federal pollution regulation

PITTSBURGH POST GAZETTE Decision says EPA overstepped its legal authority with cross-states rule. The federal rule limiting power plant soot and smog-producing emissions that cause unhealthy levels of pollution in neighboring states has been struck down by a divided U.S. Court of Appeals in Washington, D.C. The majority decision of the three-judge panel said the U.S. Environmental Protection Agency overstepped its legal authority by requiring excessive emission reductions under the Cross-State Air Pollution Rule, or CSAPR, in August 2011. The rule required 28 Eastern, Midwestern and Southern states to significantly reduce smog- and soot-producing pollution emissions that prevailing winds can carry across state lines. Fifteen of those states, along with industry groups, brought the court challenge. Nine states, all to Pennsylvania's north, east and south, and the District of Columbia argued in support of the EPA rule. Pennsylvania, which both receives air pollution from coal-burning power plants in upwind states and exports it from nearly 50 coal-burning power plants to downwind states to the north and east, was not part of the case. Kevin Sunday, a spokesman with the state Department of Environmental Protection, said the agency is "reviewing the decision and determining its impact on our regulatory

program." He said the DEP's comments on the proposed rule in 2011 raised the same questions as the appeals court did in its opinion. Industry and utility groups, coal company executives and Republican politicians, including Pennsylvania Sen. Pat Toomey, praised the appeals court ruling for reining in what they say is an over-aggressive EPA. "I am pleased with today's decision and hope it will send a strong message to the EPA as it reconsiders its regulatory approach," Mr. Toomey said in a statement Tuesday. Scott Segal, director of the Electric Reliability Coordinating Council, said the ruling properly recognizes states' rights and roles in formulating air pollution controls, and as such "the importance of the ruling cannot be overstated."

Editorial: Shouldn't have to clean up after other states

WILMINGTON NEWS JOURNAL Here's why the Obama Administration should appeal a federal court's decision to vacate a cross-state anti-pollution guideline: It sends the message that environmental and health hazards can't or shouldn't be reined in. The "Cross-State Air Pollution Rule" would have reduced emissions from dirty power plants in upwind states that contribute more than 90 percent of the air pollution that Delawareans breathe. "Delaware has already cleaned up all of its power plants but, as a result of the court's decision, Delawareans will continue to suffer from uncontrolled pollution from upwind states," said Gov. Jack Markell. Sen. Tom Carper, chair of the Senate Subcommittee on Clean Air and Nuclear Safety, was mutually disappointed. This "Good Neighbor" rule – is crucial for securing the long-term health of citizens like those in Delaware. Yet Tuesday's rulings forces us to live with our neighbors' "dirty pollutants." And even worse, we assume the expense of preventing it from crossing our borders. This is the second time courts have thrown out the Environmental Protection Agency's attempt to control interstate air pollution this way. It's unclear why the Appeals Court would issue a ruling that implies it's OK to shirk responsibility for controlling and abetting the spread of an imminent danger within your state's border. With stringent regulations that reduces dirty emissions from factories, power plants and human behaviors such as smoking, good-player states like Delaware should not be burdened with responsibility for its neighbors' environmental negligence. It's time for a third appeal.

Pa. region granted funds to tackle 'tremendous amount of blight'

PITTSBURGH POST GAZETTE The Environmental Protection Agency awarded a \$600,000 grant to 41 municipalities in southeast Allegheny County to develop a list of potentially contaminated sites, or brownfields, to clean up and redevelop. The Brownfields Coalition Assessment Grant, announced Tuesday, was formally allotted to the Turtle Creek Valley Council of Governments, the Twin Rivers Council of Governments, and the Steel Valley Council of Governments. "We know it's a competitive process and we are happy to be rewarded," said Amanda Settlermaier, executive director of the Turtle Creek Valley Council of Governments. Brownfields are old industrial sites often sullied with environmental contamination, such as hazardous waste or petroleum. The EPA's grant program has led to the assessment of 18,000 properties and more than 700 cleanups since 1998. Funding for the local project will go toward creating a list of potentially contaminated sites and more in-depth assessments of 25 of them. The councils will seek a consultant this fall to help guide the inventory. The award marks the first time the councils have applied for the grant and a positive step in a larger fight against blight in the region. "Many of our municipalities have a tremendous amount of blight," said An Lewis, executive director of the Steel Valley Council of Governments. Ms. Lewis said research gathered from Allegheny County property assessments shows that nearly 6 percent of the parcels in the areas served by the three councils were identified as in poor, very poor or unstable condition, compared to an average of 3 percent of parcels in Allegheny County. But some pockets of the region are far worse off. Wilmerding, for example, has a 44 percent blight rate, and Rankin, 28 percent, she said. She added that 16,845 of the region's 149,272 parcels also have tax liens on them. Earlier this year the councils met to discuss ways to reduce unsightly and dangerous properties and drafted a sustainable five-year strategic plan. To clean up their neighborhoods, the councils have secured a \$55,000 grant from the Pennsylvania Department of Community & Economic Development and \$40,000 from the Pittsburgh Foundation since April, with hopes of attaining more funds locally. Ms. Lewis said the EPA grant is "a drop in the bucket" compared to the total funds needed to cleanup and redevelop the many deteriorating properties in their neighborhoods and a positive affirmation of the councils' efforts to secure funding for their region. "It's one thing to bring people around a table for discussion, it's another

thing to develop a sustainable program to help these municipalities," she said.

Pa. allows driller to resume fracking in Dimock

ASSOCIATED PRESS Pennsylvania environmental officials on Tuesday gave permission to an energy company to resume a gas drilling procedure that blasts chemical-laden water into the ground in a village where residents said their well water was polluted four years ago. The Department of Environmental Protection said Houston-based Cabot Oil & Gas Corp. has met its obligations under a 2010 consent agreement and will be permitted to frack seven previously drilled wells in Dimock Township, a rural area in northeastern Pennsylvania. Dimock residents have accused Cabot of polluting their water supply with methane gas and toxic chemicals. State regulators had previously blamed faulty wells drilled by Cabot for contaminating the aquifer with explosive levels of methane and had banned the company from drilling and fracking in a 9-square-mile area. Cabot denied it was the source of the pollution but has been working to satisfy regulators that it can operate safely in Dimock. DEP spokesman Kevin Sunday said in a statement that Cabot needed to demonstrate "that these wells were in full compliance with the law; that their mechanical integrity is sound; and that the wells are not contributing to the previously discovered methane migration." "Cabot has demonstrated that, and the wells can now be brought into production," the statement said. Cabot spokesman George Stark said the company is pleased with the decision and intends to "add these wells to the high-producing, clean energy output of Susquehanna County." The company is already one of the most successful drillers in the Marcellus Shale, a rock formation in Pennsylvania, New York, Ohio and West Virginia that contains the nation's largest reservoir of natural gas. To reach the gas, drillers frack the wells, injecting millions of gallons of water, along with sand and chemicals, to crack open the gas-bearing rock.

PENNSYLVANIA

PHILADELPHIA INQUIRER

Cabot OK to resume Dimock fracking Two years after banning a drilling company from developing Marcellus Shale gas wells in the embattled town of Dimock, Pa., regulators Tuesday allowed Cabot Oil & Gas Co. to resume hydraulic fracturing in the Susquehanna County community. The order by the Department of Environmental Protection allows Cabot to complete seven wells drilled before it signed a consent order with the state following residents' complaints that the wells had contaminated residential drinking-water supplies with methane. Cabot is still prohibited from drilling new wells until the state concludes that methane levels are normal. State and federal environmental regulators say their tests show that well water in Dimock now meets drinking-water standards. Most residents who sued Cabot over the pollution recently signed a settlement with the company, according to court filings

PITTSBURGH POST-GAZETTE

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Pa. reviewing legality of South Fayette drilling ordinance HARRISBURG -- State officials are beginning to review some municipal drilling ordinances under several sections of the new Marcellus Shale law that were not overturned by an appellate judge late last month. The results of those reviews could prevent some towns from receiving their share of the new drilling impact fee this fall if officials deem their local rules to be out of compliance with Pennsylvania law. Which town is first on the state Public Utility Commission's list for review? South Fayette. The Allegheny County community is the subject of the commission's first, and so far only, request for review, according to agency documents. If a local ordinance is found to conflict with state law, municipalities would be ineligible for fee revenues until the ordinance is amended or the decision is overturned in court. While a Commonwealth Court judge ruled that a section of the new state drilling law, known as Act 13, restricting local zoning rules was unconstitutional, he let several other sections addressing what municipalities cannot do stand. Those include a section pre-empting municipalities from enacting environmental laws and another that allows for local ordinances to remain in place as long as they don't address areas like setbacks from water sources, which are outlined elsewhere in the law. In a hearing last week about whether the injunction over the zoning section should remain, President Judge Dan Pellegrini referenced the difference between the sections by saying one addresses issues of where wells can be located, while others address who regulates the act of drilling itself.

Downtown Pittsburgh owners vow to go green One by one, they stepped to the microphone Tuesday to pledge

some of Downtown's most celebrated properties -- from One Oxford Centre to PNC Park -- to going greener. During the course of 45 minutes, owners of 61 properties representing 23.3 million square feet of space Downtown and on the North Shore publicly committed to cutting energy, water and transportation consumption by 50 percent over the next 18 years as part of a national campaign. Among those making the pledges were Mayor Luke Ravenstahl and Allegheny County Executive Rich Fitzgerald, both of whom committed various city and county buildings to the cause, including the historic county courthouse, and Gary Saulson, director of corporate real estate for PNC Financial Services Group, which is building what it says will be the world's greenest skyscraper on Wood Street. Other properties that are part of the pledge include BNY Mellon Center, Fifth Avenue Place, the One, Two and Three PNC Plaza buildings, Benedum Center, Consol Energy Center, Alcoa Corporate Center, the O'Reilly Theater, K&L Gates Center, and the county jail. In all, about 38 percent of the properties in the Downtown business district have committed to the national challenge launched by Architecture 2030, a non-profit organization seeking to curb greenhouse gas emissions from the global building sector. Michael J. Schiller, executive director of the Green Building Alliance, which is spearheading the local effort, said he's "thrilled" to have 38 percent of the properties committed to the cause and expects to get more in the weeks and months ahead. He said it took Seattle two years to get about the same amount in pledges that Pittsburgh got in two to three months.

Visiting VP candidate Paul Ryan's record on energy Recently named Republican vice presidential candidate Paul Ryan hasn't spoken much about Marcellus Shale, but it seems that he is poised to as he begins to take campaign stops across Pennsylvania and Ohio. Mr. Ryan is holding a rally at Beaver Steel Services in the Rosslyn Farms Industrial Park in Carnegie on Tuesday afternoon. As he continues to tout the Romney-Ryan ticket across the mid-Atlantic states, Mr. Ryan's record on energy issues will be more heavily scrutinized. Here's an introduction to that record: Mr. Ryan has received \$244,250 in donations from the oil and gas industries, according to the Center for Responsive Politics. Indeed, according to VoteSmart.org, a nonpartisan voting research organization, Mr. Ryan's voting record on key energy issues reveal that he is as staunchly conservative in energy issues as he is in financial issues.

- Ryan voted in support of Domestic Energy and Jobs Act, which makes federal lands available for oil/gas extraction by default.
- Ryan voted against Cap and Trade, the regulatory system which uses greenhouse gas permits to regulate greenhouse gases.
- Ryan voted in support of the Energy Tax Prevention Act, which limits the EPA's ability to regulate greenhouse gases through taxation.

PITTSBURGH TRIBUNE REVIEW

Court: EPA exceeded authority with downwind, cross-state air pollution rule The Environmental Protection Agency exceeded its authority and usurped state authority with a downwind, cross-state air pollution rule that was supposed to take effect this year, a divided federal appeals court ruled Tuesday. The ruling overturns one of the Obama administration's key environmental moves and occurs in a case consolidating more than 40 appeals filed by several power companies and states. Edison Mission Energy, the California-based company that operates the Homer City Generating Station, filed the first appeal. Edison Mission said in court documents that the rule would have required it to cut the Indiana County plant's allowable emissions by 78 percent this past January, and the company could only have met that goal by shutting the plant. A company spokesman couldn't be reached for comment. The EPA declined comment. The EPA rule was intended to address the problem downwind states have in meeting their air pollution limits because of the amount of pollution that crosses their borders from upwind states — much of it from coal-fired power plants. Sulfur dioxide and nitrogen oxide pollution from power plants can be carried long distances and the pollutants react with other substances to form smog, soot and acid rain. Myron Arnowitt, state director of Clean Water Action, was among several environmental activists Tuesday who urged the EPA to appeal the ruling. While Western Pennsylvania contributes to downwind pollution, it also suffers from cross-state pollution, he said. "Pittsburgh air quality is hurt by both local pollution sources and ones from out of state," he said. "This court ruling makes it even harder for our region to clean up our air." The U.S. Court of Appeals for the District of Columbia Circuit ruled that while the Clean Air Act authorizes the EPA to limit upwind emissions to the amounts that cross state lines but instead "used the good neighbor provision (in the law) to impose massive

emissions reduction requirements on upwind states without regard to the limits imposed by the statutory text.”

SCRANTON TIMES-TRIBUNE

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Study suggests how manufacturers can tap Shale power HARRISBURG - Pennsylvania manufacturers would benefit from having a statewide energy plan and the ability to buy natural gas produced by the Marcellus Shale industry at discount prices, a study released Tuesday by the Corbett administration suggests. Gov. Tom Corbett and Cabinet officials touted the study by the 24-member Governor's Manufacturing Advisory Council at appearances across the state. The study focuses on economic prospects for the manufacturing sector, which includes 15,000 companies and 574,000 employees in Pennsylvania. After years of decline, manufacturers created 12,000 new jobs last year. The study examines ways to help manufacturers leverage opportunities from the gas drilling boom in the Marcellus regions of northeast and western Pennsylvania. It contains seven recommendations to support a state energy plan that would advance the goal of making Pennsylvania's energy costs the lowest and most stable in the

nation. These include potentially creating a shale gas power authority similar to New York State's "Recharge New York" program. This program allocates discount power to companies. It offers seven-year contracts for low-cost power to companies. New York's program taps a dedicated supply of hydropower from power facilities in the Niagara Falls area. Another recommendation calls for creating partnerships among gas producers, economic development organizations and governments to increase use of Pennsylvania-produced gas. The study focuses on helping manufacturers find workers with the education and skills needed to fill available advanced manufacturing jobs.

Editorial: Lackawanna River Class A Restoration Oxymorons are phrases in which the second part contradicts the first. The late comedian George Carlin once offered as examples "jumbo shrimp" and "military intelligence." Just a generation ago he could have added to that list "Lackawanna River" and "Class A" trout habitat. Prospects of the river, once little more than an industrial sewer, ever becoming a first-class trout stream were remote, at best, especially within the city of Scranton. But over the weekend, a five-mile stretch of the recovering river, from Olyphant to the Green Ridge Street bridge in Scranton, was designated a Class A trout habitat. It joined a longer stretch of the river, north to its source, that has had the designation for more than a decade. There are multiple reasons for the river's ongoing turnaround. The changing economy, the decline of mining and the rise of effective federal and state environmental regulation turned off the industrial spigot. Sanitary sewer systems returned cleaner water to the stream. Extraordinarily effective advocacy by the Lackawanna River Corridor Association, and later by the Lackawanna Heritage Valley Authority, raised awareness of the river among the public and policymakers. The river became a cause rather than a lost cause. The river's revival is proof of nature's restorative power. Perhaps more so, it is an unexpected but not accidental development proving that tireless advocacy can make a hopeless case not necessarily so.

Possible vandalism investigated after chemical spill at gas well site (Tuesday) State environmental regulators asked state police to help investigate a 100-gallon chemical spill at a natural gas well site in Susquehanna County on Monday after bullet casings and a bullet were found near a broken glass tube that caused the leak. The spill of glycol was discovered by a worker Monday about 11:30 a.m. at Cabot Oil and Gas Corp.'s Grosvenor well site in Dimock Twp., Department of Environmental Protection spokeswoman Colleen Connolly said. The chemical was largely contained to the well pad but a heavy rain raised the risk of runoff, she said. Absorbent material and a vacuum truck were sent to the site to clean up the fluid. The broken tube was connected to a 500-gallon tank of glycol, which is used as part of the dehydration process at the well site, she said. The two Grosvenor wells were drilled in September 2010, according to state data. Ms. Connolly did not immediately know if there are active operations at the site.

Editorial: CO2 decline truly a gas (Monday) Inexpensive natural gas from deep shale deposits in Pennsylvania, Texas, Louisiana and some other states has made gas the growing fuel of choice for power production, replacing coal and reducing the amount of carbon dioxide pumped into the air in the United States to levels of 20 years ago. Because many coal-fired power plants in the United States, especially in the East, are old and inefficient, thus in need of costly upgrades to meet new environmental standards, many utilities have found it more economical to switch to gas. Gas, a fossil fuel, still burns much cleaner than coal, generating as little as 25 percent of coal's waste products. The situation also carries environmental costs. Long-term consequences of the fracking required to extract deep shale gas are not fully understood, although their scope probably is not as great as that attached to coal. And the low prices inhibit the development and deployment of even cleaner alternative sources, such as wind and solar generation. But on balance the results are promising. Coal now produces 34 percent of U.S. power, down from about 50 percent. And, as noted by environmental consultant John Hanger, if China follows the U.S. lead and uses its vast gas deposits to replace coal-fired generation, global CO2 emissions will plummet. The U.S. produces about 16 percent of global carbon emissions, while China produces about 29 percent, even though the U.S. economy still is much larger than China's. The U.S. should continue developing alternative energy sources while pressing for more use of natural gas as a bridge fuel

ASSOCIATED PRESS (Pa.)

Pa. allows driller to resume fracking in Dimock Pennsylvania environmental officials on Tuesday gave permission to an energy company to resume a gas drilling procedure that blasts chemical-laden water into the ground in a village where residents said their well water was polluted four years ago. The Department of Environmental Protection said Houston-based Cabot Oil & Gas Corp. has met its obligations under a 2010 consent agreement and will be permitted to frack seven previously drilled wells in Dimock Township, a rural area in northeastern Pennsylvania. Dimock residents have accused Cabot of polluting their water supply with methane gas and toxic chemicals. State regulators had previously blamed faulty wells drilled by Cabot for contaminating the aquifer with explosive levels of methane and had banned the company from drilling and fracking in a 9-square-mile area. Cabot denied it was the source of the pollution but has been working to satisfy regulators that it can operate safely in Dimock. DEP spokesman Kevin Sunday said in a statement that Cabot needed to demonstrate "that these wells were in full compliance with the law; that their mechanical integrity is sound; and that the wells are not contributing to the previously discovered methane migration." "Cabot has demonstrated that, and the wells can now be brought into production," the statement said. Cabot spokesman George Stark said the company is pleased with the decision and intends to "add these wells to the high-producing, clean energy output of Susquehanna County." The company is already one of the most successful drillers in the Marcellus Shale, a rock formation in Pennsylvania, New York, Ohio and West Virginia that contains the nation's largest reservoir of natural gas. To reach the gas, drillers frack the wells, injecting millions of gallons of water, along with sand and chemicals, to crack open the gas-bearing rock.

Critics say Pa. DEP gas data has serious flaws PITTSBURGH (AP) — When Pennsylvania released official data on Marcellus Shale natural gas production last week, there was no mention that numbers from Chesapeake Energy were missing, meaning the biannual totals weren't close to being accurate. The firm has been a top producer in previous reports. Energy and financial experts say such mistakes are a serious problem and just the latest example of sloppy and incomplete "official" data from the Department of Environmental Protection, which keeps reports on production and waste from the booming, multibillion-dollar resource. "This is totally unprofessional. That's very bad," said Fadel Gheit, an oil and gas analyst with Oppenheimer & Co. in New York City.

2 Pa.-based health systems plan gas drilling study ELMIRA, N.Y. — Two Pennsylvania-based health systems plan to tap the electronic records of their patients to study possible effects of living near gas wells drilled in the Marcellus Shale region. Guthrie Health of Sayre and Geisinger Health Systems of Danville are in the early stages of planning the research into how people might be affected by wells, some which use hydraulic fracturing, the Elmira Star-Gazette reported (<http://stargaz.tt/O0YYeS>). The technology known as "fracking" involves pumping large volumes of water and chemicals into the ground to free gas. The organizations said Monday that asthma, cardiovascular disease and cancer may be among the first things studied. They are now working on a budget and how to pay for the project.

WASHINGTON, D.C.

WASHINGTON POST

Federal appeals court strikes down Obama air pollution rule WASHINGTON - The U.S. Court of Appeals for the District of Columbia Circuit overturned one of the Obama administration's hallmark air quality rules Tuesday, ruling that the Environmental Protection Agency had overstepped its authority in curbing pollution from Midwest power plants too sharply. The 2-1 ruling by the appeals court represents a major victory for utilities and business groups, who fought the Cross-State Air Pollution Rule on the grounds that it was costly, burdensome and arbitrary. Environmentalists, who had hailed the rule as a major improvement over a Bush-era regulation, bemoaned the decision as a blow to public health. For years federal regulators have struggled with how best to cut harmful sulfur dioxide and nitrogen oxide emissions from Midwest power plants, which blows downwind and contributes to forming smog and acid rain in the East. The EPA issued a rule - which was supposed to take effect Jan. 1, 2011, but was delayed by the court - that would have required utilities in 28 states to install new pollution controls. It also

established a limited cap-and-trade system that would have let utilities buy and sell pollution credits in order to comply with the new standards. EPA officials calculated that the new rule would yield health benefits for 240 million Americans. The agency predicted that by 2014 this rule, with others, would cut sulfur dioxide emissions nationwide by 73 percent, compared with 2005 levels, and reduce nitrogen oxide emissions by 54 percent. But Southern Co., EME Homer City Generation, and Energy Future Holdings Corp. units in Texas challenged the rule, saying they could not meet the new requirements in time, while the state of Texas, the National Mining Association and the International Brotherhood of Electrical Workers also sued EPA in separate cases on the grounds that it was based on flawed computer models and could jeopardize the nation's electricity supply by forcing companies to shut down older coal-fired plants. In the ruling, the court wrote that the EPA used a section in the Clean Air Act known as the "good neighbor provision" to "impose massive emissions reduction requirements on upwind States without regard to the limits imposed by the statutory text. Whatever its merits as a policy matter, EPA's Transport Rule violates the statute." It also wrote that the EPA overstepped its bounds in regulating power plants directly, rather than giving upwind states a chance to develop their plans. "EPA can't force states to do more than their fair share, and can't force 'one size fits all' federal programs without allowing states to craft their own solution," said Joseph Stanko, who heads government relations at the law firm Hunton & Williams, and represents coal-fired utilities.

Study: U.S. could put a big dent in food prices by relaxing ethanol rules Amid the recent drought and rising food prices, there's been plenty of debate on whether the United States should relax its rules that divert nearly half of the U.S. corn crop to food. But how much would this actually help? A new study from Purdue finds that a relaxation of the rules could reduce prices by up to 25 percent--but there are plenty of complications.

DELAWARE

WILMINGTON NEWS JOURNAL

Editorial: Shouldn't have to clean up after other states Here's why the Obama Administration should appeal a federal court's decision to vacate a cross-state anti-pollution guideline: It sends the message that environmental and health hazards can't or shouldn't be reined in. The "Cross-State Air Pollution Rule" would have reduced emissions from dirty power plants in upwind states that contribute more than 90 percent of the air pollution that Delawareans breathe. "Delaware has already cleaned up all of its power plants but, as a result of the court's decision, Delawareans will continue to suffer from uncontrolled pollution from upwind states," said Gov. Jack Markell. Sen. Tom Carper, chair of the Senate Subcommittee on Clean Air and Nuclear Safety, was mutually disappointed. This "Good Neighbor" rule -- is crucial for securing the long-term health of citizens like those in Delaware. Yet Tuesday's rulings forces us to live with our neighbors' "dirty pollutants." And even worse, we assume the expense of preventing it from crossing our borders. This is the second time courts have thrown out the Environmental Protection Agency's attempt to control interstate air pollution this way. It's unclear why the Appeals Court would issue a ruling that implies it's OK to shirk responsibility for controlling and abetting the spread of an imminent danger within your state's border. With stringent regulations that reduces dirty emissions from factories, power plants and human behaviors such as smoking, good-player states like Delaware should not be burdened with responsibility for its neighbors' environmental negligence. It's time for a third appeal.

Plant cleanup put at \$19M

Sunsets are super, but pollution plays part BETHANY BEACH -- The more vibrant, scenic sunsets that have fallen upon Delmarva's skies as of late make for a photographic sight to watch. But sunsets with a reddish hue appear that way more because of toxic chemicals poisoning the atmosphere, according to National Weather Service meteorologist Lyle Alexander. And in the summertime, the pollution is at its worst. "You're more likely to have pollution in the air, especially near (Bethany Beach) in the summertime," he said. "The air is usually more humid with haze, and that can cause sunsets (that are more red)." Alexander blames the large cities that surround

Delmarva -- Washington, Baltimore and Philadelphia -- for the increased pollution. "You have the Washington, D.C., metro area and Baltimore to the west," Alexander said. "If that's the case, the light is coming through. When you're looking westward, the sun is coming through that region where there's more pollution and that would cause the sunset to be more vibrant." In Ocean City, Seacrets manager Gina Day said sunsets are usually brighter and more colorful following storms. Lately, however, she's noticed a hint of pink. "This past week, the sunsets were really pink and really beautiful," she said.

Seeking a sea change National inertia, politics and public confusion are standing in the way of local and state attempts to deal with present and future threats posed by climate change and sea-level rise, panelists at a public forum near Fenwick Island said on Tuesday.

DELAWARE CAPE GAZETTE

Editorial: Culvert plan final nail for freshwater system An editorial in the Cape Gazette's Aug. 14 edition discussed the insanity of spending \$640,000 to place large new culverts under the Primehook Beach Road to address flooding problems, before any plan is put into place to close the breach in the dunes that is the root cause of the flooding. Space didn't permit discussion of the other obvious problem that simply adding more culverts would exacerbate. Primehook Beach Road serves as the northern boundary of what was once one of the finest freshwater marshes in the entire Atlantic Flyway used by migratory waterfowl. It is that unique freshwater marsh system, fed by the drainage of Sussex County flowing into Primehook Creek, that led to the federal government's creation of Prime Hook National Wildlife Refuge in the early 1960s. Waterfowl advocates recognized Prime Hook's freshwater system as one of the few feeding systems -- as opposed to saltwater marshes which are principally resting systems -- in the flyway. There was no reason to place refuge status on another few thousand acres of saltwater marshes when there are already millions of acres of saltwater marshes in the flyway. The freshwater marshes of Prime Hook were the gem. Now, because of the breaches sending a steady diet of saltwater over the Primehook Beach Road in storm scenarios, and the environmentally misguided culverts already placed under that road in the past few years, the freshwater system that the federal government paid so dearly for in the beginning, and managed successfully for many decades, is in rapid decline.

WEST VIRGINIA

CHARLESTON GAZETTE

Kanawha recycling center cash crunch felt CHARLESTON, W.Va. -- At a Tuesday meeting, Kanawha County Solid Waste Authority board members toyed with ideas to generate income from the old county landfill in Cross Lanes. When the landfill was closed in the 1990s, the Solid Waste Authority ended...

CHARLESTON DAILY MAIL

Volunteers help clean up Coal River area CHARLESTON, W.Va. -- An ambitious group of enthusiastic workers is helping the Coal River Group with everything from tire removal and boardwalk construction to clearing trails. A National Civilian Community Corps team on Monday launched a 14-day work party. The Coal River Group is hosting the trained AmeriCorps volunteers, age 18 to 25, in partnership with Appalachian Coal Country Team. On Tuesday afternoon the group was building a boardwalk near the Coal River Group Science & Educational Center in Tornado. "I have a total of 12 in the group from New York City to Los Angeles, California," said team leader Adam Sievering, of Cincinnati, Ohio. "We span the country. We focus on disaster relief, environmental stewardship, energy conservation, infrastructure improvement, urban and rural development." The group has been together since March working on projects in other states. They've restored a boarding house for volunteers in Hattiesburg, Miss. and dug a baseball field at a school in New Orleans. Now that they have arrived in West Virginia, time will be spent clearing trails, constructing a boardwalk, and clearing tires and other debris from the

Coal River.

Aluminum plant stands firm on rate plan CHARLESTON, W.Va. - Century Aluminum will not restart its Ravenswood plant if the state Public Service Commission adopts rate plans drawn up by the Consumer Advocate Division or Appalachian Power attorneys, the company said Tuesday. The first round of fina...

Waste Authority unable to access \$250,000 account CHARLESTON, W.Va. -- The struggling Kanawha County Solid Waste Authority has about \$250,000 in an account that it can't get its hands on, board members learned during a meeting Tuesday. The account was started in the early 1990s to close a landfill in...

BLUEFIELD DAILY TELEGRAPH

EPA dealt another blow by fed court CHARLESTON — For the second time in a month, a federal court has dealt the federal Environmental Protection Agency a blow, again holding it overstepped its authority, this time on the cross-state air pollution programs. Overall, the EPA kept its record clean — four times in court, four losses. And no one was any more pleased than Gov. Earl Ray Tomblin. “It’s time for Washington to stop trying to tell us how to run our coal mines,” Tomblin said. “The policies the EPA is trying to push on our state are anti-coal and anti-West Virginia. I’m asking President Obama to rein in his EPA and end this war. Enough is enough. The EPA has been told time and again that it is acting outside its authority.” Members of West Virginia’s congressional delegation joined United Mine Workers President Cecil Roberts in applauding the 2-1 ruling Tuesday by the U.S. Court of Appeals in Washington. “This was an instance of EPA going too far, too fast,” Roberts said in a statement. “The court very clearly said that EPA cannot exceed its statutory authority. The agency cannot create new law. We believe that other recent regulations promulgated and proposed by EPA also suffer from this flaw.” Rep. Nick Rahall, D-W.Va., said the ruling mirrors his own constant complaint that the EPA, “in its zealotry to advocate air pollution controls not authorized by Congress, has gone well beyond its statutory authority, as well as public opinion.” “The courts are rightly calling the EPA on its extralegal actions, and that’s good news for coal miners and their families in Appalachia,” he said.

WEST VIRGINIA STATE JOURNAL

Court vacates major EPA power plant air pollution rule The EPA exceeded its authority in the Cross State Air Pollution Rule, a federal appeals court ruled Aug. 21 in vacating the major power plant air pollution rule. The rule is also known as the Transport Rule. "EPA's Transport Rule exceeds the agency's statutory authority in two independent respects," wrote Judge Brett Kavanaugh of the U.S. Court of Appeals for the D.C. Circuit in the decision on an appeal by many states and organizations of the July 2011 rule that would limit power plant emissions in 28 states that are transported downwind to other states. The rule violates the Clean Air Act, or CAA, by requiring states to reduce their emissions by more than their own significant contributions to downwind states' nonattainment of air quality standards, according to the decision. And the agency did not allow states the opportunity, as required by the CAA, to meet their "good neighbor" obligations before imposing its own Federal Implementation Plans, Kavanaugh wrote.

ASSOCIATED PRESS (W. Va.)

Driller ordered to control gas well that caught fire SYCAMORE, W.Va. -- Two workers burned in a Harrison County drilling rig fire last week are out of the hospital, and state environmental regulators have ordered Antero Resources to gain full control over their operation near Sycamore. David Belcher, assistant chief of the Department of Environmental Protection's Office of Oil and Gas, told WBOY-TV he can't comment further on the conditions of the injured men or identify them. Those two workers and a third man were hurt Friday when a spark ignited methane gas several hundred feet underground, triggering an hour-long fire on the floor of the natural gas drilling rig at Antero's Cottrill No. 3 well. The victims worked for the contractor, Hall Drilling of Ellenboro. The DEP has not cited Hall or Antero for any violations, but it issued an order Monday instructing Antero to cease "any and all operations not necessary as part of the efforts to regain control" of the well. It also instructs Colorado-based Antero to work with property owners to sample water wells used for human consumption, domestic animals or any other

general use if they're within 2,000 feet of the well. The testing should, at a minimum, focus on pre-drilled water analyses and levels of dissolved methane, the order says. Antero must also submit a proposed monitoring plan for nearby wells and springs.

MARYLAND

BALTIMORE SUN

EPA rule on air pollution struck down A federal appeals court swept aside a key pillar of Maryland's plan to reduce soot and smog on Tuesday when it struck down a federal rule aimed at limiting air pollution crossing from one state to another. Maryland has moved aggressively to cut emissions from coal-burning power plants that officials say contribute to serious health problems such as asthma, heart attacks and premature death. But up to 70 percent of the pollution fouling the state's air comes from upwind states, according to Robert M. Summers, Maryland secretary of the environment. A three-judge panel of the U.S. Court of Appeals for the District of Columbia said the Environmental Protection Agency overstepped its authority with the so-called Cross-State Air Pollution Rule, also known as the "good neighbor rule." "The court ruling vacating EPA's [rule] is very disappointing," Summers said in a statement. "Maryland was among a group of states that intervened in the court case to defend the rule. The court decision deals a significant blow to our ongoing efforts to improve the quality of our air in Maryland."

Blog:: Step outside and join the 'Cricket Crawl' "Citizen scientists" in B'more, DC to take stock of insects' nighttime orchestra. Ever notice how late summer nights come alive with the chirps and rhythmic whirrs of crickets and katydids? Now, just by stepping outside and listening for a minute or two, you can help scientists understand more about nature's symphony, and the unseen insects making all that music.

WGMD-RADIO

Gov Markell Urges Appeal of Cross-State Air Pollution Rule Vacated by US Court of Appeals in DC A US Court of Appeals in Washington DC has vacated the Cross-State Air Pollution Rule which Governor Jack Markell would like to see appealed. In a statement Tuesday, Markell says the Cross State Air Pollution Rule would have helped Delawareans breathe by reducing emissions from power plants in upwind states that produce over 90% of the air pollution that wafts our way. While Delaware has done its part by cleaning up our power plants – the Court's decision will make First State residents suffer from uncontrolled pollution from states that are upwind. Markell is asking the Administration to appeal the US Court of Appeals decision.

VIRGINIA

NORFOLK VIRGINIAN PILOT

Health advisory issued for Ocean View beaches NORFOLK -- Public health officials issued a swimming advisory Tuesday for several Ocean View beaches because bacteria levels exceeded state water quality limits. The beaches are North Community Beach, Ocean View Park, Sarah Constant Beach Park, 10th View, 13th View and Captains Quarters. Signs have been posted alerting the public of the swimming advisory. People swimming or playing near water with high bacteria levels are at an increased risk of stomach and intestinal illness. For more information on the swimming advisory, contact the Norfolk Department of Public Health Environmental Division at 355-5658.

NEWPORT NEWS DAILY PRESS

Waste-to-energy plant in Newport News closer to reality NEWPORT NEWS — A waste-to-energy plant that would generate power from food and yard waste is another step closer to being built in Newport News. This spring, the city received an unsolicited proposal from Quasar Energy Group of Cleveland to build an anaerobic digester facility in Newport News that would accept the waste and produce biogas. The city advertised for other companies to bid on the project, but none did so. Reed Fowler, the city's public works director, said officials are working on a contract proposal with Quasar that would go before the City Council in September. "I have been researching this and I have not yet found any disadvantages," Fowler said. "We're super excited." City Manager Neil Morgan said while financial information in the proposal can't be disclosed until the contract is ready to go before City Council, the project will likely be to the city's financial advantage. The energy produced by Quasar would reduce the city's power bill significantly, he said. "The reasons for doing it is because No. 1 it's good for the environment, and No. 2, it's in our financial interest," Morgan said. "I'm favorably inclined to move forward." Morgan has previously said that the Denbigh composting facility is a possible location for the anaerobic digester, which would cost a few million dollars to construct.

FARMVILLE HERALD

Drought warning Longwood Students Doubling Town's Population As DEQ Raises Severity Level; Spates Says River Flow Meeting Needs. FARMVILLE - Virginia's Department of Environmental Quality (DEQ) has taken its Appomattox River Basin drought status up a notch in severity. A "drought warning" was issued Tuesday afternoon for Farmville, Buckingham, Cumberland and Prince Edward, following the drought watch issued approximately two weeks ago. Other affected localities and public water suppliers included in the drought warning area are the counties of Amelia, Appomattox, Chesterfield, Dinwiddie, Nottoway, Powhatan and Prince George, and the towns of Appomattox, Blackstone, Burkeville and Crewe. Voluntary water conservation activities remain the order of the day but DEQ states that "drought warning responses are required when the onset of a significant drought event is imminent. Water conservation and contingency plans that were prepared during the drought watch stage should be implemented." The Town of Farmville is not in panic mode, however, as thousands of Longwood University students, and water users, began arriving-over 1,000 freshmen, alone, on Thursday-and will literally double Farmville's population by Sunday. According to Longwood University's interim president Marge Connelly, LU has pre-drought watch and warning-already embraced water conservation. "We're still encouraging people to use voluntary restrictions on their own," Farmville Town Manager Gerald Spates told The Herald, "and we don't see any reason to put any mandatory restrictions in at all." In fact, Spates said drought warning severity doesn't exist in the Appomattox River as it flows through Farmville. "I've been trying to find out why (DEQ issued the drought warning)," he said Tuesday afternoon. "...We don't meet the threshold for a drought warning." Speaking of the flow in the river, Spates said, "we have, right now, even with the water plant running (and taking water out of river) we're at eight million gallons running by the plant and 21 cubic feet per second. For us to go into drought warning it has to be below 6 million gallons a day and 16 cubic feet per second." Spates said he called DEQ's Roanoke office to discuss the situation and was told that office had "gotten the same call from other localities."

CHARLOTTESVILLE DAILY PROGRESS

RWSA pressed on specifics of dredging proposals The executive director of the Rivanna Water & Sewer Authority told the Charlottesville City Council late Monday that the final legal barrier to the construction of a new dam at Ragged Mountain has been crossed.

In May, Judge Cheryl V. Higgins ruled against a claim by Madison attorney Stanton Braverman that the City Council unlawfully transferred land necessary to accommodate an expanded reservoir. "The Virginia Supreme Court [has] dismissed an appeal that was made from within this community that was attempting to appeal a favorable ruling RWSA received from the [Albemarle] County Circuit Court," Thomas L. Frederick Jr. said. "This means ... revenue bonds for the project are moving forward." Frederick briefs the Albemarle County Board of Supervisors on a quarterly basis, but this was the first time he had done so for the City Council. The conversation mostly centered around a \$3.5 million plan to dredge a limited portion of the South Fork Rivanna Reservoir. In February, the RWSA solicited dredging proposals under Virginia's Public-Private Educational Facilities Infrastructure Act rather than the Public Procurement Act. The idea was to encourage bids from firms that had

innovative solutions for dredging the reservoir rather than accept the bid with the lowest price. The RWSA received three proposals by the April 30 deadline. "Through our counsel, it was determined that two of the proposals received did not meet all of the basic requirements of the RFP and in accordance with our PPEA guidelines are not being further considered," Frederick said. A proposal from Blue Ridge Sand was eliminated from further consideration because it did not contain an audited financial statement. A third proposal, from Orion Marine Construction Inc., is the only one being further evaluated by a five-member staff committee. Comments are being taken through the RWSA website and a public hearing will be held in September. Councilor Dede Smith said the PPEA procedure was complicated and may have led to confusion on the part of would-be respondents. "It took a long time, cost \$117,000 to develop, and yet we now have only one proposal," Smith said. "Could we now go back and do a simple RFP so that we can get more options?" Frederick said he recommended waiting to see how the Orion proposal is evaluated before contemplating that action.

Commentary: Vote for environmental protection Katherine McFate's commentary in the Aug. 12 Daily Progress on fracking ("Past time for states to strengthen oversight") was excellent. A comprehensive documentary on fracking may be found with a Google search for "gas land." Since the poisoning of our nation's water supply by fracking impacts every U.S. citizen, one can only wonder why the mainstream news media fail to conduct independent reporting of this environmental disaster in the making. When someone shoots and kills someone, the story is in the news for weeks. When major corporations such as those in the natural gas industry contaminate our country's water supply with poisons from fracking, with resulting death and illnesses are generated years afterward, the story is not reported. The Daily Progress section "Votes in Congress" published on July 29 and on July 15 gives area residents a good basis to judge our local congressmen — Robert Hurt, Republican representing the 5th District, and Eric Cantor, Republican representing the 7th — on their interest in protecting U.S. citizens from environmental poisoning. They both:

LYNCHBURG NEWS AND ADVANCE

Lynchburg derecho cleanup ongoing at Blackwater Creek Trail LYNCHBURG, VA -- It's been almost two months since the Derecho storm that blew through our area on June 29th, and many areas are still recovering from the damage. Lynchburg saw some of the most serious destruction and there are some areas they're just starting to clear out. After dealing with weeks of cleaning neighborhoods affected by the storm, Lynchburg Public Works is now focusing on the Blackwater creek Trail. Crews will be working to clear debris on a two mile stretch of the trail for the next three weeks. "It's a challenging job for them, because a lot of the debris here is under pressure and tension. As they are cutting with the saw, a lot of those spring poles could fly back and hit you," said Klaus Schreiber with Public Works. Crews tells us the work on the trail will stop at 3 p.m. Monday through Friday, so the trail will be open during the evenings. No work is scheduled for the weekends

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

D.C. Circuit Vacates Cross-State Rule, Handing EPA Latest Setback A federal appeals court vacates EPA's Cross-State Air Pollution Rule, the latest setback for the agency in its effort to address air pollution that crosses state lines. The U.S. Court of Appeals for the District of Columbia Circuit rules that the rule exceeds EPA's statutory authority under the Clean Air Act. It orders EPA to continue administering the less-stringent 2005 Clean Air Interstate Rule while the agency promulgates a valid replacement.

EPA to Respond to Petition on Updated Water Treatment Technology EPA agrees to respond by Dec. 14 to a petition from environmental groups asking the agency to publish updated information on secondary treatment technology for publicly owned wastewater plants that could be used to set new treatment standards, in particular for removing nitrogen and phosphorus. In a motion filed in a case in federal court in New York, EPA says it will

provide a response to the 2007 Clean Water Act petition, which asserted the agency is required to update its secondary treatment standards to reflect the most recent technology for removing pollutants.

New Air Toxics Standards Set for Chromium Electroplating, Steel Pickling A final rule tightening air toxics controls for chromium electroplating and steel pickling facilities released by EPA lowers the limits on allowable hexavalent chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks by 30 percent to 50 percent. EPA says the changes should reduce emissions of hexavalent chromium nationwide by 224 pounds a year. Chromium electroplating facilities will have up to two years to comply with the tighter emission limits. EPA estimates that more than 85 percent of affected facilities already are achieving the new limits

POLITICO

Paul Ryan's energy record elates right, deflates greens The environmental community fumed this weekend when Mitt Romney chose Paul Ryan as his running mate, condemning the House Budget Committee chairman's crusade to slash clean energy funding while painting him as a bedfellow of Big Oil. But what greens hate about Ryan, the GOP loves. The Wisconsin Republican has been an outspoken critic of President Barack Obama's clean energy agenda, offering a fiscal plan earlier this year that neatly mirrors the GOP's policy priorities. The plan would expand oil and gas drilling, limit the reach of the EPA and kill the Energy Department's clean energy loan program. The plan even earned a high-profile rebuke from Obama, something that many Republicans would wear as a badge of honor. "If some politicians had their way, there won't be any more public investment in solar energy," the president said during a March speech at a solar plant in Colorado. Ryan has rarely broken with his party on energy issues, a part of his resume that is probably a big bonus for Romney, who has come under fire for his position on climate change while governor of Massachusetts. The Romney campaign is hoping that Ryan's energy record, coupled with his image as a staunch fiscal conservative, will be a huge asset for the campaign as it approaches the final stretch of the election. But the Obama campaign, along with its allies in the environmental community, is betting that Ryan will be a big liability, especially in key states like Colorado and Iowa, where there is a great deal of support for renewable energy. "In picking Paul Ryan, Gov. Romney really doubled down on his approach to favoring oil companies over clean energy," said Navin Nayak, senior vice president for campaigns at the League of Conservation Voters. Having Ryan on the ticket has "sharpened the contrast even further" between Obama and Romney, Nayak said.

REUTERS NEWS SERVICE

US court strikes down EPA rule on coal pollution A U.S. appeals court on Tuesday overturned a key Obama administration rule to reduce harmful emissions from coal-burning power plants, sparking a rally in coal company shares and relief among utility firms. The U.S. Court of Appeals for the Washington, D.C., Circuit said in a 2-1 decision that the Environmental Protection Agency had exceeded its mandate with the rule, which was to limit sulfur dioxide and nitrogen oxide emissions from power plants in 28 mostly Eastern states and Texas. In the latest setback for the EPA, the court sent the rule back for revision, telling the agency to administer its existing Clean Air Interstate Rule in the interim. The ruling was cheered by Republicans, who have made the EPA and President Barack Obama's environmental policies a main campaign theme.

NEW YORK TIMES

As Decision Nears on Gas Drilling, Ad War Heats Up in New York State ALBANY — As Gov. Andrew M. Cuomo's administration finishes up new regulations on where and how to allow hydraulic fracturing in New York State, groups on both sides of the issue are turning to the airwaves in a late-inning effort to press their cases. The advertisements are appearing in the Southern Tier region, just north of the Pennsylvania border, where the Marcellus Shale rock formation is rich in natural gas, and where communities may have to give local approval for drilling to be allowed in their area under a plan being pursued by the administration. The State Department of Environmental Conservation, which received tens of thousands of submissions in a public-comment period that ended in January, has not revealed just when it will release its rules on hydraulic fracturing. But opponents of the technology, also known as hydrofracking or fracking, are working with an increased urgency amid speculation that

Mr. Cuomo's administration could finish its work soon. "Certainly there's a feeling that a decision is on the horizon here, and we want to make sure that folks are educated," said Seth Gladstone, a spokesman for Food and Water Watch, a consumer advocacy group sponsoring a new television ad scheduled to appear on Wednesday. "There's no time like the present to be vocal on this." The television advertisement opens with an image of Mr. Cuomo, a Democrat, and concludes with a plea for New Yorkers to call his office and, in the words of the narrator, "tell Governor Cuomo there's no safe fracking." Hydrofracking involves injecting large amounts of sand, water and chemicals deep underground at high pressures to extract natural gas from rock formations. Opponents argue that the process risks contaminating the water supply with toxic chemicals.

DALLAS MORNING NEWS

Editorial: EPA suffers major setbacks If Environmental Protection Agency officials are feeling a little shell-shocked these days, it is with good reason. Twice in a week, federal appeals courts dealt blows to the agency's rule-making authority. Yesterday, a federal appeals court in Washington concluded the EPA overstepped its authority when it tried to limit sulfur dioxide and nitrogen oxide emissions from power plants in Texas and 27 other states. A few days earlier, a federal appeals court panel in New Orleans said the agency also overreached when the EPA scuttled Texas' flexible system for issuing permits to power plants. Both court rulings are subject to appeal and could ultimately be decided in the Supreme Court. Nonetheless, the rulings signal a changing landscape. Federal courts are reeling in the EPA's authority. Tuesday's rebuff is particularly troubling. The EPA wisely had sought state-by-state caps to cut down on the amount of pollution that crosses borders and degrades air quality in neighboring states. Having a coordinated effort is the practical way to make sure all states are doing all they can to reduce sulfur dioxide and nitrogen oxide. Sulfur dioxide can lead to acid rain and produce soot harmful to humans and the environment. Nitrogen oxide is a component of ground-level ozone and smog. The EPA had predicted that by 2014 this rule would cut sulfur dioxide emissions nationwide by 73 percent from 2005 levels, and reduce nitrogen oxide emissions by 54 percent. The EPA predicted fewer emissions would result in fewer illnesses and other complications.